

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY cf D.C.
05 SEP 14 AM 8:32
THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN, JACKSON

DONALD BRANCH,

Petitioner,

VS.

No. 05-1236-T/An

GLEN TURNER,

Respondent.

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 2241(d)

Petitioner Donald Branch, Tennessee Department of Correction prisoner number 305293, an inmate at the Hardeman County Correctional Facility ("HCCF") in Whiteville, Tennessee, filed a *pro se* petition pursuant to 28 U.S.C. § 2254 on August 22, 2005, along with an application to proceed *in forma pauperis*. Because this petition is being transferred, the filing fee issue will be left to the transferee court. The clerk shall record the respondent as HCCF Warden Glen Turner.

Twenty-eight U.S.C. § 2241(d) provides:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and

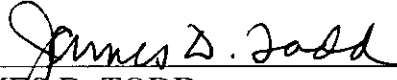
in furtherance of justice may transfer the application to the other district court for hearing and determination.

It is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the district in which the conviction was obtained.

In this petition, Branch is challenging a conviction and sentence that were obtained in the Shelby County Criminal Court. Shelby County is in the Western Division of this district. 28 U.S.C. § 123(c)(2).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. § 1406(a), that this case is hereby TRANSFERRED to the Western Division of the Western District of Tennessee.

IT IS SO ORDERED this 13th day of September, 2005.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 1:05-CV-01236 was distributed by fax, mail, or direct printing on September 14, 2005 to the parties listed.

Donald Branch
Hardeman County Correctional Facility
305293
PO Box 549
Whiteville, TN 38075--054

Honorable James Todd
US DISTRICT COURT